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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,443	12/12/2000	Kary K. Burns	14999.19	5475

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EXAMINER

JAMAL, ALEXANDER

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/735,443

Applicant(s)

BURNS, KARY K.

Examiner

Alexander Jamal

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 19-25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Based upon the submitted amendment (8-27-2004), the examiner notes that claims 19-25 have been canceled and claims 26-32 have been added.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 6,8** rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per **claim 6**, line 10 refers to 'the access device'. It is not clear whether the access device is the first or second access device in the claim.

As per **claim 8**, the claim refers to the 'numeric touchpad' as being generated by the server. As per applicant's specification (Figs 1 and 2) only the computer receives a display, the touchpad of the telephone is a physical structure that is not generated by a server. Examiner assumes applicant was referring to the icon group arranged similarly to the touchpad.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-8,10-18,26-29,32**, rejected under 35 U.S.C. 103(a) as being unpatentable over Burg et al. (6456699), and further in view of Isensee et al (5815153).

As per **claim 1**, Burg discloses a system for sending and receiving content from at least one server connected to a network (a computer and telephone interface to internet), the system comprising a first access device (standard telephone) with a telephone keypad that signals a voice browser (IVR system) to retrieve specified classes of information (HTML) (Col 3 lines 20-45, ABSTRACT). The system further comprises a second device (computer 84 in Fig. 5) coupled to the network. However, Burg does not disclose that the computer comprises a graphical interface with an icon group arranged similarly to the keypad of the first access device (telephone).

Isensee discloses a graphical user interface for a computer that may be arranged with a set of icons arranged in the same shape as a standard telephone keypad (Col 4 lines 15-26). Isensee teaches that it is desirable to have GUI interfaces on computers appear similar to the situations experienced in real life (Col 1 lines 50-60). Isensee's computers inherently comprise software for the purpose of controlling the hardware. It would have

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been obvious to one of ordinary skill in the art at the time of this application that the interface (GUI) of the computer disclosed by Burg could be made to resemble the telephone (including the standard telephone keypad) for the advantage of improving the user interface of the computer.

As per **claims 6**, claim rejected for same reasons as claim 1 rejection. Burg's phone inherently comprises an output device for the purpose of interfacing with the phone user.

As per **claim 12**, claim rejected for same reasons as claim 6 rejection. The access device referred to in the claims is part of the computer 84 (BURG: Fig. 5). The access device translates the user input at computer 84 into HTML requests to web server 82.

As per **claims 26,32**, claims rejected for same reasons as claim 6 rejection. The 'HTML request' is made by either the computer or telephone of Burg's system (Fig. 5). The HTML request is received by web server 82 or IVR server 85 in order access a class of information (BURG: Fig. 5). Additionally, Burg in view of Isensee is implemented on computers that inherently require software for the purpose of controlling the hardware.

As per **claims 2,4,7**, the first access device (telephone) comprises a keypad (display device, or alphanumeric touchpad) on which the user interface is displayed.

As per **claim 3**, claim rejected for the same reasons as the claim 6 rejection.

As per **claim 5**, claim rejected for same reasons as claim 6 and 4 rejections.

As per **claim 8**, in Burg's system, the interface of computer 84 (Fig. 5) is generated by web server 82. Burg in view of Isensee discloses a system in which the computer comprises an improved interface (in the form of a graphical keypad). Since the graphical keypad must be correlated to the HTML links in the webserver for the graphical links to function, the graphical keypad must be inherently generated by the server (where the HTML contents originate from) in order to correlate the icons with the HTML documents.

As per **claim 10**, Burg's system comprises a telephone (Col 10 lines 30-41) with an outputting device. A speaker is inherent to a telephone for the purpose of allowing the user to communicate (hear) with the network.

As per **claim 11**, Burg's access device comprises a computer system 105 (Fig. 6).

As per **claim 13,18,29**, Burg's system comprises computer 105 (Fig. 6) with an output display device to display the user interface (Col 9 line 62 to Col 10 line 10).

As per **claim 14**, claim rejected for same reasons as claim 12 rejection.

As per **claim 15**, Burg's computer is a WWW browsing capable computer (Computer 105 and Web Server 103 in Fig. 6). As such it inherently comprises a mouse (pointing capable device) for the purpose of selecting graphical buttons and hyperlinks.

As per **claim 16**, Isensee's graphical keypad interface (the first numeric keypad of claim 12) comprises depressing a particular key (in response to selecting said key) in order to transmit input (Col 1 line 60 to Col 2 line 9).

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As per **claim 17**, Burg's system works over the internet, as such, a request is transmitted over a network system (Figs. 5,6).

As per **claims 27,28**, claims rejected for the same reasons as claim 12 rejection. The keypad of a standard telephone generates DTMF signals.

6. **Claims 9,30,31**, rejected under 35 U.S.C. 103(a) as being unpatentable over Burg et al. (6456699) and Isensee et al (5815153) as applied to claims 6,26, and further in view of Bolduc et al. (6157841).

As per **claims 9,30,31**, Burg and Isensee disclose applicant's claims 6,26, however they do not disclose the access device (telephone) comprising a display.

Bolduc discloses a telephone that comprises a display and is able to send and receive HTML requests (Col 4 lines 4-20). The HTML code is sent to a voice browser that may convert the HTML code into speech that is output (via an output device) on the telephone (Col 3 lines 15-31). It would have been obvious to one of ordinary skill in the art at the time of this application that the access device (telephone) could comprise a display and HTML interface for the purpose of giving the user an expanded interface (the visual display) that can directly interface with HTML documents.

Response to Arguments

7. Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

As per applicant's argument concerning the 'HTML request' argument of claim 12 (REMARKS: page 21). There is no specific definition of an 'HTML request' within the specification. Examiner reads an 'HTML request' as a request for data contained within an HTML document. Burg's system (and also Bolduc's system) comprises sending HTML requests to a server from various access devices. Burg's computer sends the HTML request to a web server, and Burg's phone sends an HTML request to an IVR server that functions as an interface between the HTML request and the HTML documents stored in Database 80,81 (BURG: Fig. 5). Bolduc's system also comprises sending HTML requests through the phone system.

Conclusion:

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 703-305-3433. The examiner can normally be reached on M-F 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 703-305-4708. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9315 for After Final communications.

AJ
December 1, 2004


CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
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